

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

EIJA HEWARD,)
Plaintiff,)
vs.)
) C. A. No. 04-12038JLT
CITY OF BROCKTON)
BROCKTON PUBLIC SCHOOLS AND)
DONALD BURRELL, AS PRINCIPAL OF EAST)
JUNIOR HIGH SCHOOL, CITY OF BROCKTON)
Defendants.)

JOINT MOTION TO AMEND SCHEDULING DEADLINES

The parties in the above-captioned matter move to amend the Scheduling Order in this case to extend the time to complete depositions, pursuant to Local Rule 16.1(D).

As grounds for their motion, the parties states as follows:

1. Plaintiff filed this action on September 22, 2004, and the Defendant was granted additional time to answer. The Defendant filed a Motion to Dismiss on November 3, 2004, which was denied by the Court on January 4, 2005.
2. The Scheduling Conference was held on May 9, 2005.
3. The Scheduling Order currently requires that all depositions be completed by September 30, 2005. Due to scheduling conflicts of both parties, and availability of witnesses, additional time is needed to conduct depositions. Counsel for both parties are confident that they can notice and complete depositions by Monday, December 5, 2005. The Plaintiff's deposition has been started and will be completed on October 5, 2005. The Defendant Donald Burrell's deposition is scheduled for October 11, 2005. The

Plaintiff will depose the following three witnesses: John McDonough, Mary Cody, and Gail Fulginiti.

4. Neither the parties nor the Court will suffer any prejudice by this brief amendment of the Scheduling Order in this case. Rather, amending the Scheduling Order will allow the parties to prepare the case properly, and may narrow or resolve the issues and allow for a more streamlined trial, if trial is necessary.

5. By amending the Scheduling Order to conduct the aforesaid depositions, it would result in amending the date of the Further Conference scheduled for October 4, 2005, at 11:00 a.m. The parties request the Court reschedule the Further Conference for a date convenient to the Court following the new deposition deadline of December 5, 2005.

WHEREFORE, the parties respectfully request that the Court amend the Scheduling Order as set forth above and grant such further relief as the Court deems just and proper.

Respectfully Submitted,

Plaintiff, EIJA HEWARD
By her attorney

Defendant, City of Brockton,
By its Attorney

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Dated: September 20, 2005